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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,865	08/31/2001	Deborah Weissman-Berman	10234.6804	2232

7590 09/30/2004  
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Fort Lauderdale, FL 33316

EXAMINER

ORTIZ RODRIGUEZ, CARLOS R

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/943,865

Applicant(s)

WEISSMAN-BERMAN, DEBORAH

Examiner

Carlos Ortiz-Rodriguez

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/1/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The applicant is reminded that the recitation “online user interactive ... for predicting a response of structures, such as sandwich composite structures and single skin composite components” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 2 and 8 are rejected under 35 U.S.C. 112, second paragraph.

Regarding claim 1, the omitted steps are: essential steps for executing the “selecting”. The omitted steps are: Steps involved with the “selecting” a parameter. It is unclear how the selecting step is realized.

Regarding claim 2, the omitted steps are: essential steps for executing the “selecting”. The omitted steps are: Steps involved with the “selecting” a measurement system. It is unclear how the selecting step is realized.

Regarding claim 8, the phrase "list of parameters" renders the claim(s) indefinite because it is ambiguous whether the "parameter" prior mentioned in the claim is part of the "list of parameters".

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-20 rejected under 35 U.S.C. 102(b) as being anticipated by Hobbs U.S Patent No. 6,523,022.

Regarding claims 1, 4-6, 9-13, and 15-18 Hobbs discloses an online user interactive website for predicting responses of structures, such as sandwich composite structures and single skin composite components, said online user interactive website comprising:

means for allowing a user to select a parameter (request) for calculating a response (search);

means for allowing the user to input values (query argument) needed for performing the calculation of the parameter (input billing information and password C2 L45-47);

means for calculating a response (a search) for the parameter based on one or more stored formulas (search operations/query models C1 L60-65) and the values inputted by the user;

means for displaying the response (C7 L62);

wherein said means for allowing a user to input includes a floating frame disposed on top of at least a portion of a page of the website appearing on the user's screen ( C7 L65).

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Regarding claim 2, Hobbs further discloses selecting a measurement system for the parameter (C14 L21-35).

Regarding claim 3, Hobbs further discloses receiving information regarding the parameter prior to the step of inputting values (C4 L53-64).

Regarding claims 7 and 19, Hobbs further discloses that the formulas are stored on a server remotely located (remote database, C1 L20-42).

Regarding claim 8, Hobbs further discloses wherein said means for allowing a user to select a parameter includes a website page appearing on a computer screen which provides a list of parameters (C5 L30-39).

Regarding claims 14 and 20, Hobbs further discloses streaming audio and streaming video (C11 L18-20).

***Citation of Pertinent Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to online user interactive methods for designing sandwich composite and single skin composite components:

a. U.S. Pat. No. 5,455,096 to Toni et al., which discloses complex composite sandwich structure having a laminate and a foaming adhesive therein and a method for making the same.

The following publication is cited to further show the state of the art with respect to online user interactive methods for designing sandwich composite and single skin composite components:

b. Khan et al., "Repair of Damage to Marine Sandwich Structures : Part II- Fatigue Testing", DSTO Aeronautical and Maritime Research Laboratory, May 2000.

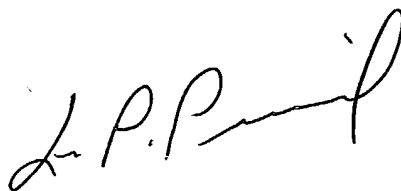
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Ortiz-Rodriguez whose telephone number is (703) 305-8009. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (703) 308-0538. The central official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Carlos Ortiz-Rodriguez  
Patent Examiner  
Art Unit 2125

A handwritten signature in black ink, appearing to read "L. P. Picard", with a stylized flourish at the end.

cror

September 27, 2004

LEO PICARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100